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under the higher "ownership" of the emperor.[42] The chiefs of the Monguors and Shat'o in Kansu must have been feudatories of this kind under the Mongol dynasty.

Among nomads living in an extensive territory the territorial rights of the nomad lord over his vassals were not exercised in the same way as among farming and sedentary peoples. They took primarily the form of the power of the chief to order and regulate the movements of herds and herders according to grazing needs at different seasons, to summon men for military service, and to requisition labor for other services.

For the Monguors and Shat'o, living in the relatively small territories assigned to them by the emperor, the problem was not one of wide grazing movement but of concentration for frontier defense. The chiefs were "owners" of the territory, and of the subjects whose military services they commanded, but within the limited territory each clan member was free to settle and cultivate at his own choice, and to treat all uncultivated land as "common pasture" for grazing.

The strongly "individual" character of the right of property in the Monguor society predominates over the social, civil, and political aspects of property, and deserves attention because it is a fundamental principle still fully understood, recognized, and applied by relatively primitive peoples, but often disregarded by sociologists.

## T'U-SSU LORD OF THE COMMONERS

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The distinctive mark of a commoner is to be bound to his T'u-ssu. As already explained above, commoners were subjects granted to a chief, to serve him in time of peace and to fight under his command in time of war.[43] Since his subjects were his only source for the recruiting of troops, the military importance of a T'u-ssu corresponded to the number of his families of commoners. Although the social condition of the commoners was not that of the slave, the *nullum caput habens* of the Roman law,[44] the basic distinction between nobles and common-

[42] Compare Lord Bryce's comment, *Holy Roman Empire*, 122–124, 229, New York, Macmillan, 1904, that in feudal Europe "real sovereignty" resided in the fief.—O. L.

[43] An element of agreement or bargaining may also be noted. When the "founding ancestor" submitted to the Ming dynasty, he was already (*a*) the leader of a group of his noble kinsmen and (*b*) in control of a number of commoners, perhaps originally the conquered subjects of his ancestors, perhaps "granted" to his ancestors by the preceding Mongol dynasty. His "bargain" with the Ming was that, without fighting, he offered them his allegiance as the man who was able to bring this military manpower into their service. The part played by the Ming was to accept the "bargain" by confirming and sustaining the T'u-ssu in his primacy among his kinsmen and his lordship over the commoners.—O. L.

[44] Vladimirtsov, *op. cit.*, 80. In the old Mongol society the vassals were not slaves. They were allowed to possess their own property, to raise their own cattle. They enjoyed a certain amount of liberty. The suzerain did not absorb all the fruits of their labor. On the other hand, they were bound to serve him in time of peace and to fight for him in time of war; to accompany his clan when they migrated to new pastures, and always

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ers still existed in 1911–1922, even though the chasm which in former times separated nobles from commoners had almost been bridged in ordinary social life. The commoners were still, however, not allowed to abandon their chiefs. The moment they became able to exercise that freedom, the clans were bound to fall asunder, the troops to disappear, and the T'u-ssu institution to wither away.

The first duty of a subject was never to abandon his lord.[45] The subjects and their descendants were chained with fetters which never could be removed. They could not even of their own decision leave their lord in order to pass into the service of another lord. Under pre-Monguor customary law the death penalty was stipulated for attempting to do so.[46] This conviction of being chained was deeply rooted in the social consciousness of the Monguors and was considered by them to be natural. It was enforced by the right of the T'u-ssu to request from the Chinese officials the extradition of any of his subjects who fled and hid among the Chinese.

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After the great rebellion of the Muslims (1868–1872), however, the military power of the Monguors gradually declined. No T'u-ssu after this time wielded any considerable influence. The Chinese officials, receiving fewer presents from the impoverished T'u-ssu, were not as willing as before to uphold their rights and privileges. Although there is no documentary evidence that the Chinese were following their traditional policy of unifying the administration by gradually abolishing the privileges of tribes that had become innocuous, perhaps there were secret orders from Peking to neglect the T'u-ssu. The T'u-ssu institution had in fact become obsolete and the imperial authorities must have been aware that this kind of defense of the frontiers was now useless.[47] In any event, less support was henceforth

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to live together with his clan; to help in the pastoral economy and in hunting. It was impossible for them to unbind the fetters which chained them to the suzerain, and so their descendants continued to be the vassals of his clan.

[45] There was a distinction in this respect between nobles and commoners. As shown by the recorded instances, notably in the Li clan (see above, p. 40), a kinsman of the T'u-ssu could, in certain circumstances, split away from the T'u-ssu and, by the decree of the overlord state, take some of the commoners, be allocated a territory, be created himself a T'u-ssu, and become the founder of a new line of nobles ruling over subject commoners. From this aspect the position of a T'u-ssu relative to his noble kinsmen may be described as *primus inter pares* and relative to his commoners as *princeps omnium*.—O. L.

[46] Vladimirtsov, *op. cit.*, 153.

[47] The T'u-ssu and the whole antiquated Manchu imperial system were unable to deal with the Muslim insurrection, which was eventually put down by the "new style" Chinese (not Manchu) generals in command of Chinese (not Manchu) troops, with Western arms. One consequence was that it became evident that such frontier feudatories as the Monguors were no longer either useful or dangerous. Even if there were secret orders from Peking to neglect them, therefore, there was no need for such orders. Another consequence was that the "new style" Chinese generals began to become superior in prestige to the Manchu imperial state, and became, in fact, the "founding ancestors" of

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to become a subject of a lamasery, had to be relieved of military service, corvée, and allegiance to his clan chief. The loss of a subject for the clan chief meant loss of a soldier, a tiller of his soil, and a payer of land taxes—a considerable detriment to his power and his wealth. It is obvious that the loss of a couple of families did not matter too much, but the loss of numerous families would have disturbed the clan chiefs and made them try to prevent the illegal desertion of their subjects.

However, at that time Lamaism was at the height of its glory and power. Even the discontented Chinese officials had no way to oppose the omnipotent Living Buddhas pampered at the court in Peking, and could not lend a helping hand to the T'u-ssu, urging the return of their subjects and bringing suit over the encroachment on their rights. The T'u-ssu, willy-nilly, saw their subjects leave them in large numbers, lured by the more favorable conditions of living offered by the lamaseries.

In this way the lamaseries assembled the group of subjects referred to by the author of the *Annals*, who of their own free will became genuine monastery serfs ("Shabinar"), free of allegiance to their clan chiefs. In 1723, being the actual serfs of the lamaseries, they were compelled to fight at the side of the lamas, their chiefs, against the Chinese armies, according to the general conditions imposed on serfs and subjects.

### PRESENT STATUS OF THE SUBJECTS IN RELATION TO THE LAMASERIES

Notwithstanding the drastic regulations decreed after 1723 in order to loose completely all the ties which bound the subjects to the lamaseries, and to avoid revolts in the future, the subjects still continue to recognize some obligations to the lamaseries.

#### *Farmers Offering Oil and Pigs*

From 1723 until 1910, the so-called subjects paid their rent in kind and carried it to the monastery; the farmers were organized in villages, and each village continued to offer as before, in the autumn of each year, a certain number of pounds of vegetable oil to the intendancy whose fields they tilled; it was considered as an offering for the lamps in the temples of the intendency. In addition, every year in the New Year season they continued to bring to the same intendancy a pig weighing 120 pounds. If the scale did not tip 120 pounds, the weight lacking was made up in pork. In former times when subjects married, it was customary for the family of the bride to demand from the family of the bridegroom a portion for the lamas. This consisted of 30 pounds of pork, and was offered to the intendancy on which the family of the bride depended. At present the 30 pounds of pork are still asked for and presented to the family of the bride, but the meat no longer reaches the intendancy.